

SENATE—Friday, September 10, 1999

The Senate met at 9:31 a.m. and was called to order by the Honorable MIKE DEWINE, a Senator from the State of Ohio.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, Creator of the world, Ruler over all of life, our Adonai, sovereign Lord of our lives, we join with Jewish Senators in celebrating Rosh Hashanah, "the head of the year," the beginning of the days of awe and repentance, a time of reconciliation with You and with one another.

We thank You that we are united in our need to repent, to return to our real selves for an honest inventory, and then to return to You with a humble and contrite heart. Forgive our sins of omission: the words and deeds You called us to say and do which we neglected, our bland condoning of prejudice and hatred, and our toleration of injustice in our society. Forgive our sins of commission: the times we turned away from You and Your clear and specific guidance, and the times we failed to acknowledge You and rebelled against Your management of our lives.

O gracious God, sound the shofar in our souls, blow the trumpets, and wake our somnolent spirits. Arouse us and call us to spiritual regeneration. Awaken us to our accountability to You for our lives and our leadership of this Nation. We thank You for Your atoning grace and for this opportunity for a new beginning.

And so, Lord, help the Jews and Christians called to serve in this Senate, the Senators' staffs, and the whole Senate support team to celebrate unity under Your sovereignty and to exemplify to our Nation the oneness of a shared commitment to You. In Your holy name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MIKE DEWINE, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. THURMOND].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 10, 1999.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MIKE DEWINE, a Senator from the State of Ohio, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. DEWINE thereupon assumed the chair as Acting President pro tempore.

The ACTING PRESIDENT pro tempore. The Chair, in his capacity as a Senator from Ohio, suggests the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENNETT). Without objection, it is so ordered.

THE INTERIOR APPROPRIATIONS BILL

Ms. LANDRIEU. Mr. President, I come to the floor this morning during morning business to say a few words about a couple of subjects that are very important to me and to the people of my State. As the American public knows, the last couple of days we have been engaged in a tremendous debate about the Interior appropriations bill. It is 1 of the 13 appropriations bills in this Congress we are trying to negotiate and pass as part of our overall budget, and it is a very important and quite contentious piece of legislation. There are many issues about balancing our resources: how they should be harvested, how they should be spent, how they should be invested.

There are about 21 Senators in this body, on the Republican and Democratic side, who have worked very hard on a very comprehensive Conservation and Reinvestment Act which is now pending in the Energy Committee. Next year, as this bill comes out of this committee and becomes part of the national debate, it is my hope and vision we will be debating how to use the resources we have been able to set aside this year for the American public.

In the bill we have crafted, which is S. 25, the Conservation and Reinvestment Act, we have made a statement that there is a better way to spend the money that is coming from offshore oil and gas, a much better way to spend this money than what we have done the last 50 years. For the last 50 years, we have taken almost every dime that has

come from oil and gas, almost every dime, and put it back into the general treasury of this country and operated our Government.

I believe, and I think the American people strongly believe, that a good portion of that money should go back to protect the environment. We are depleting one resource, a great resource that we have in oil and natural gas, we are depleting it at a tremendous rate in the Gulf of Mexico, which is now the place, basically, outside of Alaska, where most of the offshore drilling occurs, and of course a little in the interior States. But the Gulf of Mexico has the bulk of our reserves. States such as Louisiana, Texas, Mississippi, and, to a certain degree, Alabama contribute.

We are happy for the industry. We are learning to manage it in a more environmentally friendly way. We believe they can coexist, the oil industry and other industries and the environment. But all of this money, as you know, has gone into the general fund. We think it is time some of this money be reinvested before the wells run dry. One day there is not going to be any gas left, there is not going to be any oil left, and I, frankly, would like to have something to show for it.

For those of us who have children and grandchildren and nieces and nephews and families, we would like to be able to say we were wise and smart and conservative and careful and good stewards of the great bounty God has given us, and we have decided to set aside permanently—not hit or miss, not willy-nilly but permanently—a portion of this money to create and sustain our National Park System, to create green spaces and places from New Jersey to California, from Washington State to Florida, from one point of this Nation to the other, to expand the public areas, to expand the green space, to protect our habitat, to provide wilderness areas in a way that makes sense for every community. That is what this bill does. It fully funds the land and water conservation fund which was promised by the last five Presidents, both Democratic and Republican, a great promise that sounded terrific and probably got some votes for them in the elections. The problem is, it was never funded consistently.

I quote from a poll recently taken by Frank Lunz. As you know, he is a Republican pollster, but he did an absolutely outstanding job in this survey of the American people: 94 percent of the American people would like to set aside and create a special way of funding these kinds of programs. In fact, it might be of interest for some Members

of this body to know that in a head-up polling, a true trust fund "for land and water and open spaces beats the wildly popular highway and airport trust fund head to head 45 to 37."

We know how much support there is for a highway trust fund. People believe gasoline taxes that are levied should go to provide for highways, mass transit, fast trains, and environmentally friendly transportation vehicles of the future. That is what the American people want, and I agree with them. I voted for that and so did almost everyone in this body. But according to this poll, more people in this country believe there should be a real trust fund, that this promise should be kept, and when a promise is made, it should be kept.

That is what S. 25 does. We are gaining support for it. If it can pass this year, next year when we have this debate on the Interior bill, we will be talking about the wonderful opportunity to allocate \$900 million a year—\$450 million hopefully for the State side of land and water and \$450 million for the Federal side of land and water—what parks to expand, how to expand them, what picnic areas and wilderness will we create.

In addition, that part of the bill will also bring some much-needed revenue to the coastal States, including the Great Lakes States, to mitigate against the challenges of being a coastal State. I do not think we have to look much further than the weather report from last week when Dennis battered the eastern shore and we have had hurricane after hurricane loss of barrier islands, loss of beach areas.

If there is one thing the American people like to do on the Fourth of July, besides the fireworks and the celebration of our great Independence Day, it is to spend the holiday at the beach. People do it all over the world, and we are no different. But in many parts of this country, there is limited public access unless you are rich enough to own a million-dollar condo or have the money or resources to buy a section near a beach. Sometimes you cannot get there; it is crowded and jam packed.

We would like to have some money for beach restoration, public space expansion, and mitigation against the impacts of being a coastal State. This money has been fairly spread around to States that produce oil and gas and, in a very generous way, even those States that do not. Those of us supporting this bill believe the money should go for those coastal areas. We have Governors, mayors, and county commissioners around this Nation who most certainly support that effort and can use the help as they struggle to keep their coastal communities intact.

In addition, a part of this bill will also create a permanent, reliable stream of money for some much-needed conservation programs.

I have gone fishing most of my life. I am not an expert, but I most certainly enjoy it. I do not do any fancy fishing. We had a camp for 30 years on Lake Pontchartrain. I have gone fishing for croakers and speckled trout most of my life. There are millions of Americans who are serious sports people and fishermen and enjoy being in the outdoors and fishing and hiking and walking in the wilderness.

Part of this bill is going to be a help for States and agencies in all the 50 States to manage their wildlife resources better, both game and nongame. The States, under tremendous budget constraints, are doing a pretty good job. Some States are doing better than others. But the Federal Government should be a better partner. I believe it is much better to deal on the front end, before species are endangered, before habitat areas are endangered, to have money invested to keep them from becoming endangered. It will save us a lot of money, a lot of lawsuits, and a lot of headaches. That is what this bill also does.

I am very hopeful, as the Energy and Natural Resources Committee of this Senate comes back from this recess, we are going to seriously consider this measure. I anticipate that it will pass. It will go through a tremendous debate. There is a similar bill on the House side. We are anticipating passage of that bill and are in negotiations with the administration.

Next year when we come to this floor, Democrats and Republicans can proudly say: Last year we just did not talk about the environment, we just did not argue about how to fund our parks and what to do, but we took the opportunity when it presented itself.

We are running a surplus, and I know there are calls for a tax cut. I support a modest, reasonable, and fiscally responsible tax cut and investments in education, but we can also make room in this budget to redirect revenues to the places they should have been when it started. Louisiana and other producing States most certainly should be able to count on a fair portion of that revenue coming back to them as well as sharing it generously, in the way I have described, with everyone else. I am hopeful that we will do that this year.

So this debate will be quite exciting for the American people—shall I say more exciting next year because they will have seen us actually having done something, taking the bull by the horns and redirecting these revenues.

These poll numbers speak for themselves. We do not need to always follow polls. Sometimes we do, and sometimes we do not. But, in this case, it is a good indication of how much the American people want us to take action and actually make progress, to stop talking about it and actually do something.

I am hopeful S. 25 will pass. I thank the 22 Members of this body who have

worked tirelessly over the last 2 years, and the Members of the House—Congressman JOHN and Congressman TAUZIN, Congressman DINGELL, Congressman YOUNG, Congressman MILLER—who have all engaged in trying to work this out in final negotiations on their side. I thank them for their diligence. I thank all the environmental groups, all the fishing, hunting, and sports enthusiasts who have helped bring this bill to where it is today, to the possibility of actually having this promise, which was made but never kept, become real for our children and grandchildren.

On that point, let me also add a word about this oil valuation. I just finished speaking for 10 minutes about using these oil and gas revenues for a really special purpose. So why would I also then come to the floor and talk about the oil valuation rule? The reason is that is exactly on point in this debate.

There are some Members who think the oil companies are intentionally underpaying these royalties. Most certainly, based on the speech I just gave, I want to make sure, and will make sure to the best of my ability, that the oil companies are paying every single penny of royalties that are due to the American taxpayer because that money will go directly, if this bill passes, into this trust fund to be spent on parks and recreation.

I most certainly will not be one of the Senators who will come to this floor and try to come up with some scheme, if you will, to get the oil companies off the hook. I want them to pay their fair share. In addition, being from Louisiana, when I was State treasurer before I came here, 45 percent—let me repeat that—45 percent of our State budget relied on oil and gas royalty rents and severance tax onshore and near shore. Many of these revenues went to fund our schools and put computers in our classrooms. We most certainly wanted every single penny to come our way.

It is ludicrous to think these oil companies, which last year wrote checks to the Federal Government for \$2.8 billion according to our royalty valuation, would flinch at writing another check for \$60 million.

Sixty million dollars is not a lot of money compared to \$2.8 billion. They are not intentionally underpaying.

The rules we have set up, like many rules we write, unfortunately—our tax rules—are complicated. Lawyers and accountants can look at the same rule and come up with different ideas about what it says or what it means or how much you owe. That is all this is.

The oil companies are looking for—and I believe they are right—a simpler way. I was not here 3 years ago, but the year before I came, there was a bill which was passed that was to have made the rule more simple and more transparent in relation to what was owed in terms of rents and royalties

and severance for those who dealt in Federal waters. We passed that law overwhelmingly. The rule was created and developed by the Department of Minerals Management.

Unfortunately, the rule they are proposing is not going to work. It does not make the current system more simple. It, in fact, makes it more complicated. It is not going to get us out of court. It is going to keep us in court and litigation.

I think the vote is going to be very close. The honorable Senator from California has a different view. She has stated on the floor that she thinks the oil companies are intentionally underpaying, although there has not been one lawsuit, to my knowledge, filed that has claimed "intentional" underpayment. The claimed underpayment is based on an honest disagreement of what the rules and regulations say and how these payments should be calculated, which is very complicated, as the Senator from Oklahoma, who is quite knowledgeable and quite an expert in this area, has shared on this floor.

In conclusion, I am the lead author of a bill to put every single penny we can get from these oil royalties into the U.S. Treasury. The bill I have, with 21 other Senators, proposes a good way to spend that money. So I do not want to see us shortchanged at all. But I also think that going forward with this rule, which makes it more complicated, will not meet that end; it will only make it worse. It will keep us from redirecting these revenues, at least the full amount of them, the way we know we can.

So I urge, when we vote next week, to vote with the Senator from Texas, Mrs. HUTCHISON, to keep this rule as a work-in-progress until we can come up with a simple way to get this done. I will be voting that way and urge my colleagues to also.

TRIBUTE TO KOREAN ADOPTEES

Ms. LANDRIEU. Mr. President, I feel compelled to say something about a special group of people. There is a wonderful gathering of people in Washington. As you know, we have hundreds and thousands of people who come every week to Washington. We cannot come to the floor to talk about every group that comes to Washington because then we would be on the floor for a long time.

But there is a very special group in Washington, and it is a group of 400 Korean American, American Korean adults who were adopted from Korea in the 1950s and 1960s.

I will read from a wonderful article that appeared in USA Today yesterday about one particular orphan and her experience. But I want to say how proud I am, as cochair of the Adoption Caucus, to host, with many Members of

this body, this gathering of Americans who have come, actually, from all over the world—it is not just Korean adoptees from America but from Europe and other places who were adopted out of Korea—to share their stories.

This is one story by war orphan No. 1371. She is a writer for USA Today at this time in her life. She writes:

Malnutrition and a bacterial infection had drawn all but 8 pounds from my 24-inch frame. My thick black hair teemed with lice; my body glistened with circles of fresh infection created by oozing sores that covered 80% of my body.

Yet somehow I survived. Less than two months later, I was packed onto a shiny airliner with 96 other Korean children—four to a wicker basket—and carried to my adoptive parents, Dominic and Dorothy Enrico, in southern California.

At that moment I suffered what now seems like incomprehensible losses for one so young: my birth family, my country and the comfortable anonymity of growing up among people of the same race. What I gained was the opportunity to participate in an international adoption revolution that continues to be a testimony to the human potential for love and acceptance regardless of blood ties, race or ethnicity.

This young woman will join 400 other adults who have had this experience. And there have been over 140,000 young people—infants and young children and teenagers—adopted from Korea, and many of them have come to the United States. In almost every instance, it has been a happy and joyful experience for the adoptee and for the family.

The Korean adoptions have opened up a new thought in America: that families could be made of a people who looked different—because love does not know a color; love does not know family bounds.

So because of the great work of the Government and Catholic Charities and many others that have made this possible, we now have families in America that look very different with family members who love others from different parts of the world and from different races. It is a testimony to the greatness of the human potential for love and for companionship.

I am proud to sponsor this group of adults. We hope to continue the work of international adoption. We would like to find a home for every child in the world in the country in which they were born. But if there is not a home there—if no one wants them, if they are not able to find a home—then we need to find them a home somewhere in the world.

Senator JESSE HELMS, an adoptive father himself, which a lot of people do not know—he and his wife adopted a special needs child, so he has personal experience in adoption—is the lead sponsor of a tremendous piece of legislation that is going to lay an international framework, a legal framework, so children from all over the world, including the United States, can find a home and they will not have to

grow up infested with lice or they will not have to have a little body oozing with sores, so they will have a mother and a father, preferably two parents. But if we could find one caring adult for each child in the world, that is our hope.

So that is one of the great gatherings that is taking place. I wanted to honor them by reading from that article this morning and by wishing them a wonderful conference at the J.W. Marriott. We will be hosting a reception for them in the Capitol later today.

I invite my colleagues to drop by and see for themselves the great miracle of adoption.

TRIBUTE TO JIMMIE DAVIS OF BATON ROUGE, LOUISIANA

Ms. LANDRIEU. Mr. President, I rise on behalf of Senator BREAU and myself to take note of the 100th birthday of one of Louisiana's favorite sons and one of our Nation's finest talents. Most Americans know Jimmie Davis through his world-famous song, "You Are My Sunshine," one of the most popular songs in the history of recorded music. However, for Louisianians, Jimmie Davis is much more than a consummate entertainer and southern gentleman, he also helped lead Louisiana's government to new heights, passing the first retirement benefits for State employees, the first reforestation legislation and the first program to give free milk to school children.

Jimmie Davis has been a college teacher, shaken hands with five or six Presidents, appeared in half a dozen movies, performed with stars such as Gene Autry, Frank Sinatra and Elvis Presley, and twice was elected Governor of Louisiana.

During his second term as Governor, the State's economy was in a downward spiral. However, by the end of his term, employment was higher than ever, personal incomes were up, school teachers saw their full salary schedule implemented and the ambitious Toledo Bend Dam was started.

Jimmie Davis is widely known as a beloved and colorful leader. One day on the way to his office, he rode his horse up the Capitol steps, into the elevator and into his office. He ended every State legislative session with his band's rendition of "It Makes No Difference Now."

Jimmie Davis is truly a Louisiana State treasure and a treasure for all Americans. He definitely is our sunshine.

He is a man whom we all hope we can be like, because he is, as I say, celebrating his 100th birthday. So with those of us who hope to live to be 100, Jimmie Davis is a good example of how to do it.

Jimmie Davis still loves to sing to this day, and if Majority Leader LOTT